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8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**

10 DAMIAN HALL,

11 Petitioner,

12 vs.

13 MR. BACA, *et al.*,

14 Respondents.
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Case No. 3:14-cv-00613-RCJ-WGC

ORDER

17 A Nevada prisoner, Damian Hall, has submitted an application to proceed *in forma pauperis*
18 (ECF #1) and a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 (ECF #1-1).
19 Petitioner's application to proceed *in forma pauperis* shall be granted.

20 Petitioner has also submitted a motion for appointment of counsel (ECF #1-2). There is no
21 constitutional right to appointed counsel for a federal habeas corpus proceeding. *Pennsylvania v.*
22 *Finley*, 481 U.S. 551, 555 (1987); *Bonin v. Vasquez*, 999 F.2d 425, 428 (9th Cir. 1993). The decision
23 to appoint counsel is generally discretionary. *Chaney v. Lewis*, 801 F.2d 1191, 1196 (9th Cir. 1986),
24 *cert. denied*, 481 U.S. 1023 (1987); *Bashor v. Risley*, 730 F.2d 1228, 1234 (9th Cir.), *cert. denied*, 469
25 U.S. 838 (1984). However, counsel must be appointed if the complexities of the case are such that
26 denial of counsel would amount to a denial of due process, and where the petitioner is a person of such
27 limited education as to be incapable of fairly presenting his claims. *See Chaney*, 801 F.2d at 1196; *see*
28 *also Hawkins v. Bennett*, 423 F.2d 948 (8th Cir. 1970). Here, the manner in which petitioner has

1 attempted to complete the form petition suggests that he does not comprehend what information he is
2 required to supply (*see, e.g.*, ECF #1-1, p. 3 - under Ground 1 petitioner has listed the counts to which
3 he pleaded guilty, with no other information). Additionally, petitioner has alleged that he suffers from
4 mental illness and has included a medical kite that reflects that he takes several medications for his
5 schizophrenia (ECF #3). Finally, petitioner appears to be serving a term of ten years to life, with a
6 consecutive term of eight to twenty years, and a consecutive term of four to ten years. Accordingly,
7 petitioner's motion for appointment of counsel is granted.

8 **IT THEREFORE IS ORDERED** that petitioner's application to proceed *in forma pauperis*
9 (ECF # 1) is **GRANTED**.

10 **IT IS FURTHER ORDERED** that the Clerk **DETACH** and **FILE** the petition (ECF #1-1).

11 **IT IS FURTHER ORDERED** that the Clerk **DETACH** and **FILE** petitioner's motion for
12 appointment of counsel (ECF #1-2).

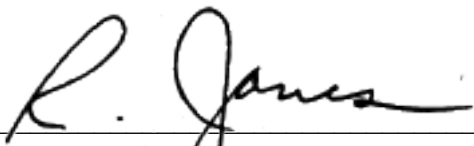
13 **IT IS FURTHER ORDERED** that petitioner's motion for appointment of counsel (ECF #1-2)
14 is **GRANTED**.

15 **IT IS FURTHER ORDERED** that the Federal Public Defender for the District of Nevada
16 ("FPD") is appointed to represent petitioner.

17 **IT IS FURTHER ORDERED** that the Clerk shall **ELECTRONICALLY SERVE** the FPD
18 a copy of this order, together with a copy of the petition for writ of habeas corpus (ECF #1-1). The FPD
19 shall have thirty (30) days from the date of entry of this order to file a notice of appearance or to indicate
20 to the court its inability to represent petitioner in these proceedings.

21 **IT IS FURTHER ORDERED** that, after counsel has appeared for petitioner in this case, the
22 court will issue a scheduling order, which will, among other things, set a deadline for the filing of a first
23 amended petition.

24 DATED: This 11th day of February, 2015

25 
26 UNITED STATES DISTRICT JUDGE
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